



TIBA TEXAS INDEPENDENT BAR ASSOCIATION

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68 Vol. 31, No. 39, November 6 2023

PDRs Granted / Writs Filed and Set

Case Name: **Brian Dale Nixon**

- **PDR(s) GRANTED:** State's
- **COUNTY:** Medina
- **GRANTED ON:** November 1, 2023
- **OFFENSE:** Capital Murder
- **CCA CASE NO:** PD-0556-23
- **COURT OF APPEALS CITATION / CASE NO:** Citation Unavailable (04-21-00295-CR)(see 68, [Vol. 31, No. 26](#); 08/07/2023)

ISSUE(s) GRANTED:

1. Is holding a jury trial in the county's designated auxiliary courtroom located in the same public building as the county jail and Sheriff's Department inherently prejudicial to the presumption of innocence?
2. Was the use of the auxiliary courtroom justified when the trial judge's findings support the determination that he sought to: (1) prevent exposing jurors to Appellant in shackles and jail attire, (2) alleviate security concerns, and (3) provide adequate trial facilities?

Case Name: [Daryl Joe](#)

- **PDR(s) GRANTED:** Appellant's Pro Se Petition
- **COUNTY:** Navarro
- **GRANTED ON:** October 25, 2023
- **OFFENSE:** Theft of Cargo
- **CCA CASE NO:** PD-0423-23
- **COURT OF APPEALS CITATION / CASE NO:** Unpublished (10-18-00221-CR); but see [Joe v. State](#), 620 S.W.3d 834 (Tex.App. - Waco 2021)(see [§](#), [Vol. 29, No. 8](#); 03/08/2021); and [Joe v. State](#), 663 S.W.3d 728 (Tex.Cr.App. 2022)(see [§](#), [Vol. 30, No. 23](#); 06/27/2022)

ISSUE(s) GRANTED:

Question One: Did the 10th COA error in holding the evidence legally sufficient because "[Petitioner] jumped out the vehicle and attempted to connect the brake lines and lights, constituting an activity in which he possessed stolen cargo?"

Question Two: Did the 10th COA misconstrue section 31.18(b)(1) of the Penal Code, when the lower court read and applied "an activity" in isolation; and thus, failed to read the term in the context of the entire statute?

Question Three: What type of "activity" would suffice to satisfy the statute's requirements?